

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In Re Terrorist Attacks on September 11, 2001

Case No. 03-md-1570 (GBD) (SN)

Federal Insurance Company, et al.,

Case No. 03-cv-6978 (GBD) (SN)

Creditors,

v.

The Taliban, et al.,

Debtors,

Federal Reserve Bank of New York,

Garnishee.

**NOTICE OF THE FEDERAL INSURANCE CREDITORS' CROSS-MOTION TO
VACATE THE OWENS EX PARTE PROVISIONAL PREJUDGMENT ATTACHMENT**

PLEASE TAKE NOTICE, that upon the attached Memorandum of Law, Declaration of J. Scott Tarbutton and Exhibits thereto, the undersigned attorneys for Movants/Creditors *Federal Insurance Company, et al.* ("the *Federal Insurance* Creditors") shall move this Court, before The Honorable George B. Daniels, United States District Judge for the Southern District of New York, pursuant to Federal Rule of Civil Procedure 69, N.Y. C.P.L.R. §§ 5225(b) and 5239, for an Order vacating the *Ex Parte* Prejudgment Order of Attachment issued on March 21, 2022 in *Owens, et al. v. Taliban, et al.*, No. 1:22-cv-01949-VEC (S.D.N.Y.). For the reasons set forth at length in the accompanying Memorandum of Law: (i) the *Owens* plaintiffs' Prejudgment Order of Attachment is prohibited by the International Emergency Economic Powers Act, Pub. L. No. 95-223, 91 Stat. 1625 (codified at 50 U.S.C. § 1701 *et seq.*), and President Biden's Executive Order 14064, 87 Fed. Reg. 8391 (Feb. 11, 2022); (ii) attachment under the Terrorism Risk

Insurance Act of 2002 (“TRIA”) is not available to the *Owens* plaintiffs because they do not possess a judgment; and (iii) the *Owens* plaintiffs have failed to establish valid grounds for prejudgment attachment under N.Y. C.P.L.R. § 6201. Accordingly, a Court Order vacating the *Owens* plaintiffs’ Prejudgment Order of Attachment is appropriate.

Dated: May 27, 2022

Respectfully submitted,

COZEN O’CONNOR

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